

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYWAN JAMES,	:	CIVIL NO. 3:16-CV-2417
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	
	:	
WARDEN ODDO, et al.,	:	
	:	
Defendants	:	

.....

ORDER

AND NOW, to wit, this 6th day of February 2017, upon consideration of Plaintiff's complaint, and for the reasons set forth in the Court's Memorandum of the same date, it is hereby ORDERED that:

1. Plaintiff's motion (Doc. 12) to proceed *in forma pauperis* is GRANTED.
2. The complaint (Doc. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e) (2)(B)(ii).
3. Plaintiff's motion (Doc 11) to appoint counsel is DENIED.
4. Plaintiff's motion (Doc. 9) for an extension of time to file a brief in support of his motion to appoint counsel is DENIED as moot.
5. The Clerk of Court is directed to CLOSE this case.
6. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

BY THE COURT:

**s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court**